

NEW SECTION

WAC 468-38-425 Permitting for emergency responses. (1) **What constitutes an emergency?** The term "emergency," as used in this section, shall mean an event or set of circumstances that meet the following criteria:

(a) Demand immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or

(b) Reaches such a degree of destructiveness as to warrant the governor declaring a "state of emergency."

Notification will normally come to the department from the public agency responsible for responding to the emergency, but may also be made by a utility or railroad entity when applying for a permit.

(2) **Do oversize and/or overweight vehicles responding to an emergency require a special motor vehicle permit?** Yes. RCW 46.44.090 provides for the authorization to move oversize or overweight vehicles by special permit only after application and good cause being shown. "Good cause," in the event of an emergency, is interpreted to mean that by issuing a special motor vehicle permit to a responding oversize and/or overweight vehicle it is reasonable to assume that said vehicle will provide relief of the conditions causing the declaration of emergency.

(3) **Why is acquiring a permit important for emergency responders?** The infrastructure was designed to be used by vehicles that fall within the specific size and weight parameters of RCW 46.44.010, 46.44.020, 46.44.030, 46.44.036, 46.44.037, 46.44.041 and 46.44.042. Vehicles exceeding these parameters must be screened to determine if they can safely move on a specific route given their over-dimension or overweight status. A permit provides for the authorization and may also contain any restrictions or special conditions that apply to the overlegal vehicle using a specific route.

(4) **What processes are available for acquiring a permit in an emergent situation?** Application for emergency permits can be requested directly from the office of motor carrier services during normal business hours Monday through Friday. During nonbusiness hours requests must be submitted through one of the department's traffic management centers (TMCs). Contact information and specific procedures will be maintained, and posted electronically, by the office of motor carrier services. Certain carriers that perform emergency response on a routine

basis may contact the office of motor carrier services to explore other permitting options.

(5) **Are there specific compliance requirements for obtaining an emergency special motor vehicle permit?** Yes. The emergency must be verifiable through the entity declaring the emergency. The vehicle configuration to be permitted must comply with all size and weight criteria for permitted moves as provided in chapter 46.44 RCW and chapter 468-38 WAC, except for WAC 468-38-175 Highway travel restrictions--Days, times and highway use subsections (1), (2), (3) and (6).